

CHANGES WITHOUT REGULATORY EFFECT UNDER  
CALIFORNIA CODE OF REGULATIONS, TITLE 1, SECTION 100

Statement of Explanation

Title 18. Public Revenues

Regulation 1802, *Place of Sale and Use for Purposes of  
Bradley-Burns Uniform Local Sales and Use Taxes*

**A. Factual Basis**

Subdivision (d) of California Code of Regulations, title 18, section (Regulation) 1802, *Place of Sale and Use for Purposes of Bradley-Burns Uniform Local Sales and Use Taxes*, was last amended in 2008. As relevant here, subdivision (d)(1) of Regulation 1802, as amended in 2008, contains two cross-references to the provisions in subdivision (c) of Regulation 1684, *Collection of Use Tax by Retailers*, permitting out-of-state retailers that are not “engaged in business in California” to voluntarily apply (or register) for a *Certificate of Registration – Use Tax* to collect California use tax.

During 2012, the State Board of Equalization (Board) adopted amendments adding new subdivisions (b) and (c) to Regulation 1684 and renumbering Regulation 1684, subdivision (c) (referred to above), as subdivision (e). As a result, Regulation 1802, subdivision (d)(1), currently incorrectly cross-references Regulation 1684, subdivision (c), instead of correctly cross-referencing Regulation 1684, subdivision (e), in two places, and the Board proposes to correct both cross references so that they refer to Regulation 1684, subdivision (e), under California Code of Regulations, title 1, section (Rule) 100. The Board has determined that the proposed changes are appropriate for processing under Rule 100 because the changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision and Rule 100, subdivision (a)(4), specifically provides that revising a cross-reference is a change without regulatory effect.

**B. Proposed Changes**

The following Rule 100 changes are proposed to Regulation 1802, subdivision (d)(1):

## TEXT OF PROPOSED CHANGES

### **1802. Place of Sale and Use for Purposes of Bradley-Burns Uniform Local Sales and Use Taxes.**

#### (a) In General.

(1) . . . (unchanged).

(2) Retailers Having More Than One Place of Business.

(A) . . . (unchanged).

(B) . . . (unchanged).

(3) Place of Passage of Title Immaterial. . . . (unchanged).

#### (b) Place of Sale in Specific Instances.

(1) Vending Machine Operators. . . . (unchanged).

(2) Itinerant Merchants. . . . (unchanged).

(3) Retailers Under Section 6015. . . . (unchanged):

(A) . . . (unchanged), or

(B) . . . (unchanged).

(4) Auctioneers. . . . (unchanged).

(5) Factory-built School Buildings. . . . (unchanged).

(6) Jet Fuel.

(A) . . . (unchanged):

1. . . . (unchanged); and

2. . . . (unchanged).

(B) . . . (unchanged).

(C) . . . (unchanged).

(D) Multi-Jurisdictional Airports. . . . (unchanged):

1. . . . (unchanged).

2. . . . (unchanged).

3. . . . (unchanged):

a. . . . (unchanged).

b. . . . (unchanged):

c. . . . (unchanged).

d. . . . (unchanged).

(E) . . . (unchanged).

(c) Transactions Negotiated Out of State and Delivered from the Retailer's Stock of Tangible Personal Property in California.

(1) . . . (unchanged).

(2) . . . (unchanged).

(d) Allocation of Sales Tax and Application of Use Tax. . . . (unchanged).

(1) Direct Reporting By Retailers. Operative July 1, 1996, for transactions of \$500,000 or more, except with respect to persons who register with the Board to collect use tax under Regulation 1684(~~ee~~) (18 CCR 1684), the seller shall report the local use tax revenues derived therefrom directly to the participating jurisdiction where the first functional use is made. Persons who voluntarily collect use tax under Regulation 1684(~~ee~~) may, solely at their own discretion, report the local use tax revenues on transactions of \$500,000 or more directly to the participating jurisdiction where first functional use is made.

(2) . . . (unchanged).

Note: Authority cited: Sections 7051 and 7205, Revenue and Taxation Code. Reference: Sections 6012.6, 6015, 6359, 6359.45, 7202, 7203, 7203.1, 7204.03 and 7205, Revenue and Taxation Code.